

MINUTES

1. Call to Order

Mayor Nabours called the Work Session of the Flagstaff City Council of October 27, 2015, to order at 6:08 p.m.

2. Pledge of Allegiance

The City Council and audience recited the Pledge of Allegiance.

3. ROLL CALL

NOTE: One or more Councilmembers may be in attendance telephonically or by other technological means

PRESENT

ABSENT

MAYOR NABOURS
VICE MAYOR BAROTZ
COUNCILMEMBER BREWSTER
COUNCILMEMBER EVANS
COUNCILMEMBER ORAVITS
COUNCILMEMBER OVERTON
COUNCILMEMBER PUTZOVA

NONE

Others present: City Manager Josh Copley and City Attorney Michelle D'Andrea.

4. Preliminary Review of Draft Agenda for the November 3, 2015, City Council Meeting.*

** Public comment on draft agenda items may be taken under "Review of Draft Agenda Items" later in the meeting, at the discretion of the Mayor. Citizens wishing to speak on agenda items not specifically called out by the City Council for discussion under the second Review section may submit a speaker card for their items of interest to the recording clerk.*

Deputy City Manager Barbara Goodrich stated that in regards to the public hearing scheduled for next week on the Utility Rate Study, it came to staff's attention that the consultants are not going to be available for the meeting and because of that staff is asking to pull the item from the agenda next week and reschedule to November 17, 2015. Mayor Nabours asked if there are things that can be done or discussed without the consultants presence. Ms. Goodrich explained that staff wanted to take step back and get a presentation from the consultant on rate setting

and some of the background and facts on how that is done in a more global setting. It is the responsibility of the consultant to provide that expertise and presentation so the hope is to have them start the meeting off with that presentation before getting into the options discussion.

Councilmember Putzova asked for additional information for items 10-A and 10-B; she would like a historical perspective on what the contracts were before and the expenses associated with them.

Vice Mayor Barotz stated that if the Utility Rate Study is not going to be discussed that maybe there can be something else in its place. In order to make the best use of everyone's time she asked to consider discussing the Zoning Code amendments.

5. Public Participation

Public Participation enables the public to address the council about items that are not on the prepared agenda. Public Participation appears on the agenda twice, at the beginning and at the end of the work session. You may speak at one or the other, but not both. Anyone wishing to comment at the meeting is asked to fill out a speaker card and submit it to the recording clerk. When the item comes up on the agenda, your name will be called. You may address the Council up to three times throughout the meeting, including comments made during Public Participation. Please limit your remarks to three minutes per item to allow everyone to have an opportunity to speak. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.

James Jay addressed Council in regards to the Tequila Sunrise event. He requested that the City look into putting a stop to the event.

James Holman addressed Council in regards to Tequila Sunrise and explained that he had to close his business doors that day due to inappropriate behavior of the patrons. He requested that Council look closer at the event and move it out of downtown.

Ian Anderson also addressed Council in regards to Tequila Sunrise indicating that something needs to be done to end the event or get better control of it.

6. The Northern Arizona Center for Entrepreneurship and Technology (NACET) and the Economic Collaborative of Northern Arizona (ECoNA) Annual Updates.

Community Investment Director David McIntire introduced Annette Zinky with NACET. Ms. Zinky provided a PowerPoint presentation that covered the following:

NACET FLAGSTAFF CITY COUNCIL UPDATE
WE GROW STRONGER BUSINESSES FASTER
THREE TRACKS FOR DIFFERENT STAGES OF DEVELOPMENT
PROGRAM TRACK
GETTING RESULTS
WAYS WE ENGAGE
FIRST ACCELERATOR TENANT
CLIENT SUCCESS SPANS THE NATION
CITY OF FLAGSTAFF PARTNERSHIP
THANK YOU FOR YOUR SUPPORT

Vice Mayor Barotz asked what NACET's biggest challenge has been moving forward.

Ms. Zinky stated that finding the would-be entrepreneurs to bring on board is the most difficult piece as they want to make the right connections to bring in and develop successful business.

Councilmember Overton asked for the current occupancy of the Incubator and Accelerator. Ms. Zinky stated that the first Accelerator tenant moved in the first of October and there are a few more that should be in before the end of the calendar year. The Incubator is full but people are expected to transition.

Councilmember Brewster asked how NACET markets themselves to potential clients. Ms. Zinky explained that most of the people that they meet are people that have been referred to NACET by someone else. Most people have come to events or met an existing client. NACET hosts a lot of public events, business events, and informational events and rely on faculty to get the info out to students who may have ideas and plans. They work with community partners to make sure they are well connected to those involved with business activities. The goal is to make NACET as accessible as possible to existing and potential clients.

Councilmember Putzova asked if there is any effort in Flagstaff to develop an idea incubator as a first initial step for the business incubator. Ms. Zinky stated that NACET is always talking about ideas and what to do with ideas for people who have them. Currently, there is work being done to develop a couple of seminars related to ideology and how to put ideas into action. There is a lot of conversations in the community about idea brainstorming and NACET is working to continue to be a part of these conversation to help foster those ideas into viable business.

Mayor Nabours asked if Ms. Zinky could tell the Council about two potential companies that are in the incubator, their product and what they are working on. Ms. Zinky stated that Simple Surgical is a client who is working on a surgical device to treat hypertension; they are pre-revenue and in the very early stages but it is promising technology that they are working very hard on. This is a company that originally started in Menlo Park but moved back to Flagstaff to be a part of the Incubator and Accelerator.

She also reported that there will be an accelerator company coming in February that will have another medical device connection. He used to be in Flagstaff and has been looking for a way to come back and has found that avenue through the Accelerator.

Mr. McIntire then introduced Rich Bowen with ECoNA who provided a PowerPoint presentation that covered the following:

ECONA – ELEVATING BUSINESS TO THE PEAK OF SUCCESS
ECONA'S PURPOSE/HISTORY
OBJECTIVES
ECONOMIC COLLABORATION MODEL
ECONA MEMBERSHIP
ECONOMIC TRENDS ARE UP
BIOSCIENCES
DIGITAL PRODUCTS
ASTRONOMY
ADVANCED MANUFACTURING
TOURISM
FOREST PRODUCTS
ECONOMIC DRIVERS

Mayor Nabours asked Mr. Bowen to give the top two reasons why a business may not come to

Flagstaff. Mr. Bowen explained that Flagstaff does not have a good mechanism to adequately welcome businesses and show them the value of investing in Flagstaff and why the processes that are in place are there. Occasionally there are companies that are looking for low cost and they are not going to find that in Flagstaff with the cost of land. Additionally, large town to small city is a difficulty because of trailing partner/spouses. There was a time that it felt like getting through the city processes was difficult. This has improved greatly over the last few years.

Councilmember Brewster stated that ECoNA has done a lot to turn around the opinion of Flagstaff not being business friendly. ECoNA has been a good thing for Flagstaff and she hopes that it continues to be so.

Mr. Bowen stated that one of the things they will be bumping up against is infrastructure; there will be the need, request and demand for more infrastructure to attract more business.

Councilmember Evans stated that many proposals have focused on bringing high-level corporations to Flagstaff but it is important to note that both NACET and ECoNA have been a great partner with the Sunnyside micro-entrepreneurship program Market of Dreams. ECoNA is the reason there is a computer lab there and NACET provides business mentoring to the businesses located in the incubator every Friday at noon. Since opening in March 2015 over \$26,000 has been returned back to the micro-entrepreneurs in that program.

Vice Mayor Barotz stated that she appreciates ECoNA acknowledging that there is a vision in Flagstaff and value in the Regional Plan and Zoning Code. Flagstaff should not relax its standards for the sake of business and growth and ECoNA tries to communicate that with potential businesses.

Mayor Nabours then moved to Item 8.

7. Report out on the work, observations and recommendations from the Working Groups listed in the Council-adopted Student Housing Work Plan (SHAP) and the status (i.e., Completed, In Motion and/or Moving Towards Implementation) of the Eight Elements in the Plan. Council to provide direction on student housing issues.

Deputy City Manager Jerene Watson asked the Mayor to join her in recognizing the following individuals for their participation and work with the Student Housing Work Plan group:

Dr. Rick Brandel
Jesse Dominguez
Joanne Keene
David McCain
Stuart McDaniel
Charlie Silver
Charlotte Welch
Amy Smith
Jeff Knorr
Tyler Mark
Vance Peterson
Moran Henn

Ms. Watson then provided a PowerPoint presentation that covered the following:

2015 STUDENT HOUSING WORK PLAN

BEGINNING OF THE COMMUNITY CONVERSATION
8 ELEMENTS OF STUDENT HOUSING ACTION PLAN

Mr. Charlie Silver continued the presentation.

ELEMENT 1(B): ESTABLISH COMMUNITY/EXTERNAL WORKING GROUPS TO REVIEW
REGIONAL PLAN

ELEMENT 1(B): STUDENT HOUSING GROUP PROCESS

ELEMENT 1(B): REGIONAL PLAN REVIEW OUTSIDE A PROPERTY
OWNER/DEVELOPER'S CONTROL

ELEMENT 1(B): REGIONAL PLAN REVIEW – OTHER

REGIONAL PLAN: STUDENT HOUSING CHARACTERISTICS

BUILDING DESIGN

NATURAL RESOURCES

SOCIAL IMPACTS

TRANSPORTATION

ELEMENT 1(B): REGIONAL PLAN AMENDMENTS RECOMMENDATIONS

ELEMENT 1(B): REGIONAL PLAN RECOMMENDATIONS – SITING

ELEMENT 1(B): REGIONAL PLAN RECOMMENDATIONS ON SPECIFIC PLAN/CITY POLICY

ELEMENT 1(B): RECOMMENDATIONS ON WHAT THE REGIONAL PLAN SHOULD
INCLUDE, INTER ALIA

ELEMENT 1(B): OTHER ISSUES AND RECOMMENDATIONS

Deputy Police Chief Walt Miller continued the presentation.

ELEMENT 2: PUBLIC SAFETY CONDITIONS AND COMPLIANCE - NUISANCE PARTY
ORDINANCE

TIMELINE

MAJOR CHANGES AND PROCEDURES

CIVIL PENALTIES

TRAINING AND PUBLIC OUTREACH

NUMBERS TO DATE

Planning Director Dan Folke continued the presentation.

ELEMENT 4: ZONING CODE AMENDMENTS

PUBLIC AND NEIGHBORHOOD NOTIFICATION

AMENDMENTS TO ZONING CODE – PARKING STANDARDS

ELEMENT 4: CONDITIONS AND COMPLIANCE

ELEMENT 2: CONDITIONS AND COMPLIANCE – CRIME FREE MULTI-FAMILY PROGRAM

Vice Mayor Barotz asked for information on the difference between direct ordinance and concept plan and what the difference is between the conditions in either case. Mr. Folke stated that the difference between the two is that with a direct ordinance there is a detailed site plan that can be negotiated; with a concept review there is a building envelope so there is not an actual location, the end use is unknown and the plan is more general. Vice Mayor Barotz asked if all the potential uses could be identified so the community knows how it might be impacted. She expressed concern about the Council not being able to go back if they do not get it right the first time. Mr. Folke explained that he does not share that concern; he feels that there is enough information gathered in a concept plan to understand what the impacts will be.

Councilmember Evans stated that she understands that there is dormitory style housing in La Plaza Vieja and Southside but no Conditional Use Permit (CUP) exists for them; she asked

how and who enforces this permitting. Mr. Folke stated that they have not had any CUPs pulled for rooming and boarding which was adopted in 2011. What is key in the definition of rooming and boarding is that it talks about three bedrooms or more, may or may not have cooking facilities and it talks about the leasing in that the unit is not leased but the rooms are. Those facilities in establishment prior to 2011 would be considered a lawful, non-conforming situation. There is a challenge in enforcing that condition because it is lease driven and how the City knows what the leasing arrangements are. Code Enforcement is responsible for enforcing the requirements but it is very difficult to get information on a lease when a property owner does not want to share that with the City. That is partly why the change in the definition is being suggested and the impacts of the use are not tied to the leasing situation but rather the density of the project.

Dr. Rick Brendel continued the presentation.

ELEMENT 1: NAU LIAISON, OFF-CAMPUS HOUSING GUIDE & OUTREACH
ELEMENT 1 & 3: NAU LIAISON, OFF-CAMPUS HOUSING GUIDE

Community Design and Redevelopment Manager Karl Eberhard continued the presentation.

ELEMENT 5: REEXAMINE PARKING PERMIT SYSTEM
PARKING SYSTEM CONCEPTS UPDATE: WHERE WE ARE TODAY
PARKING SYSTEM CONCEPTS UPDATE: GLIMPSE AHEAD

Flagstaff Metropolitan Planning Organization Manager David Wessel continued the presentation.

ELEMENT 8: TRAFFIC IMPACT ANALYSIS
TRIP GENERATION BY STUDENT HOUSING COMPLEXES
TRANSPORTATION IMPACT ANALYSIS PROCEDURES

Charlotte Welch addressed Council in regards to parking stating that students need onsite parking wherever they are housed. She added that the downtown should not be involved in the development of the residential parking program and downtown parking and residential parking should be separate issues.

A written comment card was submitted by Moran Henn in regards to the Student Housing Work Plan.

Mayor Nabours stated that there are some good recommendations in the presented plan; some of the plan has already been adopted and some portions are currently being worked on. He wants to be clear that by accepting the plan the Council is not agreeing to or adopting everything that is in it; it is a plan that will be taken into consideration as plans and projects come to Council for consideration.

Vice Mayor Barotz stated that she feels that the document offers clarity of location to help developers understand, identify, and confront issues of concern before the project comes to Council.

Councilmember Overton agreed stating that there is value in the working group's plan in that it highlights and communicates some of those values that are going to be difficult. They have done a good job of not making a clear directive or value statement but identifying the issues that will have cause for concern. No plan will come forward to make everyone happy, this will highlight the biggest challenges and he hopes that property owners and developers are willing

to enter into this partnership.

Councilmember Putzova stated that she would like to see the work continue on the topic. The Regional Plan has a big gap in regards to high occupancy housing; there was no discussion of this during the housing discussions during the Regional Plan process. It would be good for the group to have a discussion about where high occupant housing is desirable and how the group can negotiate this level.

Vice Mayor Barotz asked if the proposed changes to the Zoning Code that were included in the report are being brought forward to Council with the other Zoning Code amendments.

Ms. Watson stated that the proposed changes are included in the amendments currently being discussed by Council.

Mayor Nabours moved to acknowledge receiving the Student Housing Work Plan report; Councilmember Overton seconded; passed unanimously.

8. City of Flagstaff - Navajo Nation Human Rights Commission MOU: Report

Assistant to the City Manager Stephanie Smith provided a PowerPoint presentation that covered the following:

NAVAJO NATION HUMAN RIGHTS COMMISSION AND CITY OF FLAGSTAFF NAVAJO NATION HUMAN RIGHTS COMMISSION UPDATE INTRODUCTIONS

Navajo Nation Commissioner Frank Bradley thanked the Council for the opportunity to provide a report on the Memorandum of Understanding (MOU). He retired after 24 years in indigenous law enforcement and was appointed to the Human Rights Commission for the term of 2012-2016. Since the beginning of the MOU the City and the Commission have worked together to strengthen the communities and strengthen relationships.

After the signing of the MOU the Commission partnered in the creation of the Native American's for Community Action (NACA). NACA was developed to address and narrow in on the issues affecting Navajo and indigenous populations. The City agreed to partner with the Commission and NACA to address the following three items in the MOU:

1. Conduct Navajo cultural sensitivity training for all City law enforcement officers.
2. Assess and understand whether Navajos and indigenous populations are treated differently when engaging law enforcement.
3. Inform Navajo people in the general public of their civil and human rights.

The first training was successful; a total of 211 officers have been trained and thanks to the Flagstaff Police Department, the training extended to other Arizona agencies. As a result of the training, Chief Treadway started a Flagstaff citizen liaison committee. This 15 member committee meets on a monthly basis to address and improve communication between the Flagstaff Police Department and the community. The MOU has helped investigate complaints filed against officers by Navajos. In coordination with Chief Treadway, the Commission has the ability to assess and access the internal investigations related to these complaints. Since January 2013 Flagstaff Police have taken 194 citizen complaints, 23 were submitted or related to Navajos of which five were partially sustained, the rest were unfounded or exonerated. Chief Treadway has opened his doors to the Commission to review these complaints when the commission feels it necessary to do so.

Due to the success of the sensitivity training, it is now being sought after for application in the state of New Mexico. With the efforts of Commission Policy Analyst Rodney Tahe, Commissioner Bradley and one other are accredited to provide this training in New Mexico.

With regard to the second item in the MOU of assessing and understanding whether Navajos and indigenous populations are treated differently when engaging law enforcement, the Commission held several public hearings in Arizona, Colorado and New Mexico to assess the treatment of Navajo citizens by border town law enforcement. The results of those hearings is still being transcribed and commission staff is still gathering data to be included in the public report. The hope is that the report will be available by the end of fiscal year 2016.

The third item of informing Navajo people in the general public of their civil and human rights is an ongoing project for the Commission Public Information Officer. The Public Information Officer has published materials about knowing one's rights when purchasing a vehicle, knowing one's rights when engaging with law enforcement, knowing one's rights and outlets to address violence against Navajo women and gender discrimination, knowing one's rights as a Navajo consumer, and protecting the San Francisco Peaks as a sacred mountain for the Navajo people. These are only a few of the ongoing projects that are underway with the Commission Public Information Officer.

With gains there are also setbacks. In August 2014 the Commission thought they would have input as stakeholders with the new agreement between the City of Flagstaff and the Arizona Snowbowl Resort that extended the contract term from five years to twenty years while raising the cap on the amount of water delivered to the resort. This was not the case due to terrible communication received from the City of Flagstaff. The confusion was later clarified by City Manager Kevin Burke who explained that the new agreement was done administratively and would not need approval by the City Council.

The purpose of the MOU is to strengthen communication. When the communication is relayed incorrectly it does more damage than good. While a few in the community would say the MOU is ineffective; he urged them to attend a monthly meeting to better understand what the commission is doing and what they are addressing. For example, the Commission testified before the Organization of American States Inter-American Commission on Human Rights regarding the protection of sacred places from the extractive industries and businesses permitted by the United States government. It is work like this that makes him proud to be a part of the Commission.

He thanked the Mayor and the City Council and the City of Flagstaff for the opportunity to provide an update on the work the commission has done in outlining the MOU. He then introduced Executive Director Leonard Gorman.

Mr. Gorman offered condolences to the families of those involved in the unfortunate events that occurred on the NAU campus. This past Sunday there was a traditional ceremony conducted as a way to move forward from the unfortunate event. The reason the University accommodated the Navajo Nation was because there are a substantial amount of Navajo students that attend the university.

As reported by Commissioner Bradley there has been movement on substantial issues and the Navajo Nation has come to terms with the law enforcement community. They feel fortunate to have a good relationship with the Flagstaff Police Department and feel that they have been able to engage in a very good opportunity to learn about the respective communities and populations. Diversity is well respected and well protected in Flagstaff.

They are beginning to engage the business environment. There is concern about a number of complaints received related to the automobile industry. Some of the automotive dealers in the city have taken advantage of the Navajo people. This centers around the fact that language is a barrier and they feel that some dealerships prey on the elderly and those with fixed income. It is important to be mindful of those concerns.

Mr. Gorman explained that there are concerns with the border towns and their ability to facilitate in employment opportunities for Navajo people. There are questions of how much the Navajo people spend in border towns and they are working to assess and gather that data to better understand the impacts. They are careful in looking after the dollars generated on the Navajo Nation and how those dollars are advanced and help the Navajo people as consumers.

While there is work to try to ease the concerns about communications, there has been lost opportunity to dialogue in this fashion about the San Francisco Peaks. Communication needs to be improved and the MOU binds the two agencies together.

Councilmember Putzova stated that it is important for the Council to hear the perspectives of the Navajo Nation and understand what improvements need more focus. She asked Mr. Gorman what he thought the exchange of communication should look like and how to make that communication meaningful. Mr. Gorman stated there needs to be engagement in a manner that welcomes and encourages opportunities to have a dialogue. NACA is a great tool and provides opportunity for communication.

9. Review of Draft Agenda Items for the November 3, 2015, City Council Meeting.*

** Public comment on draft agenda items will be taken at this time, at the discretion of the Mayor.*

None

10. Public Participation.

None

11. Informational Items To/From Mayor, Council, and City Manager; future agenda item requests.

Councilmember Putzova stated that there were a lot of comments concerning Tequila Sunrise and she requested a report that explains the resources the City provided to manage the event. Some of the speakers raised some legal questions and she feels that some education about the liquor laws would be helpful to the public.

Councilmember Evans stated that she would like to know the exact cost of Tequila Sunrise to the City of Flagstaff. She also requested information on which bars participate in the event and what portion of that cost they are sharing. Lastly, she would like to know what the businesses in the area think about the event.

Vice Mayor Barotz requested statistics and information on the offenses that occurred during the event period and if any of them had to do with citations against bar owners or bartenders.

Vice Mayor Barotz thanked the City Manager for inviting the Navajo Nation to come and report to the City Council and asked that they be invited to come more frequently than every few years.

Mayor Nabours requested a FAIR item on Tequila Sunrise. He would like a complete report on the event, the impact to the Police Department, who pays for what, the legalities of the bars participating, the involvement of the state liquor department, the downtown merchant perspective as well as a perspective from NAU. He would like to understand what the City can or cannot do with this event.

12. Adjournment

The Flagstaff City Council Work Session of October 27, 2015, adjourned at 8:50 p.m.

MAYOR

ATTEST:

CITY CLERK